

KELLER ROHRBACK L.L.P.

Gary A. Gotto

3255 Bending Tree Ln.

Missoula, MT 59808

Tel.: (406) 215-9100

Fax: (206) 623-3384

Email: ggotto@kellerrohrback.com

*Attorney for Plaintiff;
Additional Counsel on Signature Page*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

JOEL CLEARY, M.D., individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RETIREMENT PLAN FOR
EMPLOYEES OF NORTHERN
MONTANA HOSPITAL, et al.,

Defendants.

Case No. 4:16-cv-00061-BMM-JCL

PLAINTIFF'S MOTION FOR RECUSAL

Plaintiff Joel Cleary hereby moves United States Magistrate Judge Jeremiah C. Lynch for an order pursuant to 28 U.S.C. § 455 and the Code of Conduct for United States Judges (the "Code") recusing himself from consideration of Plaintiff's Motion for an Award of Attorney's Fees, Costs and Expenses (ECF No.

166). Plaintiff has contacted the attorney for Defendants, Steven R. Milch, who stated that Defendants take no position on this Motion. The grounds for this motion are set forth in Plaintiff's accompanying brief.

Respectfully submitted this 30th day of November, 2018.

KELLER ROHRBACK L.L.P.

By: /s/ Gary A. Gotto

Gary A. Gotto
3255 Bending Tree Ln.
Missoula, MT 59808
Tel.: (406) 215-9100
Fax: (206) 623-3384
Email: ggotto@kellerrohrback.com

David S. Preminger
(admitted *pro hac vice*)
KELLER ROHRBACK L.L.P.
1140 Avenue of the Americas
Ninth Floor
New York, NY 10036
Tel.: (646) 380-6690
Fax: (646) 380-6692
Email: preminger@kellerrohrback.com

Plaintiff's Counsel

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2018, a true and correct copy of the foregoing document was filed with the Court utilizing its CM/ECF system, which will send notice of such filing to all counsel of record.

DATED this 30th day of November, 2018.

/s/ Gary A. Gotto

Gary A. Gotto